

MICHAEL V O'BRIEN
CITY MANAGER



CITY OF WORCESTER

September 13, 2006

Ms. Alicia C. Matthews, Director
Commonwealth of Massachusetts
Department of Telecommunications and Energy
Cable Television Division
One South Station
Boston, MA 02110



Dear Ms. Matthews

Thank you for the opportunity to reply to the questions from the DTE hearing held on August 16th. I hope you find the responses useful in your deliberations.

*For Individual Municipalities:*¹

1. Who initially reviews cable license applications on behalf of the Issuing Authority in deciding whether to begin the licensing process pursuant to 207 C.M.R. § 3.02(2)? How soon after receipt of the application does this review begin?

The City of Worcester has not conducted an initial licensing process in excess of twenty years. Renewal applications are initially reviewed by the City Solicitor and the Cable Advisory Committee.

2. Has the municipality established a Cable Advisory Committee? Is this a standing committee? When is the committee in session? How often does the committee meet? What are the terms of its members? Who may serve on the committee? How soon after a cable license application is submitted to the municipality does the Cable Advisory Committee receive application materials and begin its review?

The City of Worcester has established a standing Cable Advisory Committee. The committee is comprised of seven members appointed by the City Manager for three year terms. Subject to M.G.L. c. 268A, any resident of the city, except a city employee, is eligible to serve on the committee. As to renewal applications and related filings, the committee receives the information at its next scheduled meeting after the City's receipt thereof.

3. Does the municipality have a City Solicitor or Town Counsel? Who represents the municipality in negotiations with the cable license applicant? How soon after a cable license application is submitted to the municipality does the negotiator receive application materials and commence negotiations? Does the negotiator have direct authority to offer final terms that

may be included in a license to be executed by the municipality? If not, please describe the steps necessary to authorize proposed term sheets.

The City of Worcester maintains a full time Law Department headed by the City Solicitor. The Law Department represents the City in its renewal proceedings. The City Solicitor may also contract for outside legal services to assist in renewal proceedings. The renewal application and any related filings and correspondence are submitted to the City Solicitor upon the City's receipt thereof. All license terms require the approval of the City Manager, although he may in some instances provide the City Solicitor prior approval to offer final terms, otherwise the City Solicitor must advise the City Manager of the proposed terms and secure his approval.

4. Is there any period of time wherein a Mayor or Board of Selectmen lacks authority to execute a contract on behalf of the community? For example, during the time after an election and before the newly elected Mayor takes an oath office, may the out-going Mayor execute a cable license? Please describe the circumstances and the duration of the period.

This question is inapplicable to the City; the City Manager is an appointed position.

5. Many municipalities commented that 90 days is not sufficient to conduct a review of an initial license application. Please state whether there are any provisions of the current licensing process that may be streamlined and, if so, please identify such provisions.

As stated under Question 1, the City of Worcester has not conducted a review of an initial license application in over twenty years. However, ninety days would appear to be wholly insufficient.

6 Please provide a typical timeline of all steps necessary to identify the community's cable-related needs and interests and to issue the issuing authority report or request for proposal? Please include intervals between notices and public hearings, as well as the approximate number of days necessary for each step.

The initial licensing process (and its associated timeline) that is the subject of this proceeding is established by Mass law (statute and cable division regulations), while the renewal process and its timeline is governed by explicit provisions of federal law. The City's timeline is in conformance with current federal renewal process. A more specific timeline can be provided, as we have just completed the Ascertainment process, in the next few weeks.

7 Please state the date on which the municipality last conducted a review of its cable-related needs and interests. How often is a full review of cable-related needs and interests necessary? Would any of the intervals identified in the timeline in your response to Question 6 change absent a full review of cable-related needs and interest.

The City is currently engaged in the renewal ascertainment process and is concluding its ascertainment period. This review has only occurred during the renewal proceedings. A full review of cable-related needs and interest is necessary when several years have passed since approval of an agreement. In the event of another application, this review could be used. With the numerous changes in the industry, the review could be outdated in a matter of 9-12 months.

8. For communities that have begun the licensing process with Verizon, please provide a detailed timeline of events that have occurred to date. Please provide detail as to when the public hearing is held with respect to the date the proposal was first received.

This is not applicable to the City of Worcester.

The City of Worcester remains open to discuss cable services with any provider and welcomes competition. The process provides sufficient time for due process, especially when negotiating licenses that have lengthy terms.

If you need any further assistance feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. O'Brien", followed by a long horizontal line extending to the right.

Michael V. O'Brien
City Manager